

KING HALL CIVIL RIGHTS CLINIC
CARTER C. WHITE SBN: 164149
U.C. Davis School of Law
One Shields Avenue, Bldg. TB-30
Davis, CA 95616-8821
Telephone: (530) 752-5440
Fax: (530) 752-5788
ccwhite@ucdavis.edu

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORY LYNN NORWOOD,)	NO. 2:03-cv-2554-GEB-GGH-P
)	
Plaintiff,)	ORDER APPOINTING COUNSEL
)	NUNC PRO TUNC
vs.)	
)	
EDWARD ALAMEIDA, JR., et al.,)	
)	
Defendants.)	
)	
)	
)	

Upon review of Plaintiff's motion for appointment of counsel nunc pro tunc, the documents on file, and the trial record, the Court finds as follows:

1. Plaintiff made substantial efforts to obtain legal representation and was unable to do so;
2. Plaintiff has previously satisfied the requirements of 28 U.S.C. § 1915(a), as found by Magistrate Judge Gregory G. Hollows in an order filed March 25, 2004;
3. This case is of a type that attorneys in this district ordinarily do not accept without prepayment of a fee;
4. This case is not a fee generating case within the meaning of California Business and Professions Code § 8030.4(g); and
5. This case has sufficient merit to warrant appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1) and General Order No. 230. During trial on November 1, 2007, Plaintiff moved to

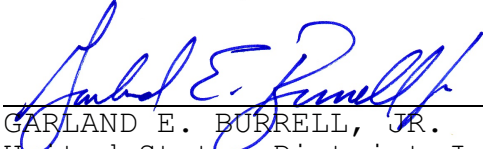
1 dismiss two defendants, including Defendant Pliler, who the trial record indicated was exposed to
 2 liability. The court responded to Plaintiff by telling him that “he should think about the motion,
 3 and that court would convene on his motion at 8:45 a.m. on November 6, 2007.”¹ At the time
 4 Plaintiff made his dismissal motion, it was determined that exceptional circumstances existed
 5 which justified contacting counsel on the court’s civil rights pro bono panel to ascertain whether
 6 any attorney was available to assist Plaintiff on the motion and with other aspects of the trial (if
 7 that was Plaintiff’s desire), since Plaintiff showed a likelihood of success on the merits and was
 8 likely to have a difficult time understanding the nuances of the deliberate indifference standard
 9 applicable to his claims and articulating the evidence supporting the elements of that doctrine
 10 without the assistance of counsel. Agyeman v. Corr. Corp. of Am., 390 F.3d 1101, 1103 (9th Cir.
 11 2004) (“In proceedings in forma pauperis, the district court may request an attorney to represent
 12 any person unable to afford counsel. The decision to appoint such counsel is within the sound
 13 discretion of the trial court and is granted only in exceptional circumstances. A finding of the
 14 exceptional circumstances of the plaintiff seeking assistance requires at least an evaluation of the
 15 likelihood of the plaintiff’s success on the merits and an evaluation of the plaintiff’s ability to
 16 articulate his claims in light of the complexity of the legal issues involved.”) (internal citations
 17 and quotation marks omitted).

18 Therefore this court orders as follows:

19 1. The King Hall Civil Rights Clinic is appointed as attorney for Plaintiff pursuant to
 20 General Order No. 230 nunc pro tunc as of November 1, 2007, and until relieved as counsel by
 21 court order;

22 2. Any contemplated costs shall be handled as described in General Order No. 230.

23 Dated: November 21, 2007

24 
 25 GARLAND E. BURRELL, JR.
 26 United States District Judge
 27 _____

28 ¹ Trial proceedings were not conducted on November 2 or 5, 2007.